



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,471	05/31/2001	Paul E. Jacobs	990374	1578
23696	7590	11/16/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,471

Applicant(s)

JACOBS ET AL

Examiner

Joy K Contee

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16, 17 and 19-41 is/are rejected.
- 7) ☒ Claim(s) 14, 15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed June 30, 2004, with respect to the rejection(s) of claim(s) 1-13, 16, 17, 19-41 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Westberg, U.S. Patent No. 6,041,054.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-13, 16, 17, 19-33 and 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin et al. (Angwin), WO 00/41416, previously used, in view of Westberg, U.S. Patent No. 6,041,054.

Regarding claim 1, Angwin discloses a data manager for a wireless device, wherein the wireless device sends and receives a plurality of broadcasts between the wireless device and at least one remote device over an internet protocol connection,

Art Unit: 2686

and wherein the data manager is communicatively connected to the wireless device, comprising:

a data receiver that receives voice data and non-voice data (col. 5, lines 8-15);

a data sender that sends other voice data and other non-voice data (col. 5, lines 26-42);

an inherent data recognizer (i.e., reads on channel decoder) that differentiates the voice data from the non-voice data at said data receiver, and that differentiates the other voice data from the other non-voice data at the data sender (col. 5, lines 8-42).

Angwin fails to explicitly disclose a controller that controls the broadcast at said data receiver of the voice data and the non-voice data, and that controls the broadcast at the data sender of the other voice data and the other non-voice data, according to the differentiation by the data recognizer, wherein said controller switches the wireless device to a first internet protocol format for the broadcast of the voice data and the other voice data, and switches the wireless device to at least one second internet protocol format for the broadcast of the non-voice data and the other non-voice data.

In a similar field of endeavor, Westberg discloses a controller that controls the broadcast at said data receiver of the voice data and the non-voice data, and that controls the broadcast at the data sender of the other voice data and the other non-voice data, according to the differentiation by the data recognizer, wherein said controller switches the wireless device to a first internet protocol format for the broadcast of the voice data and the other voice data, and switches the wireless device

Art Unit: 2686

to at least one second internet protocol format for the broadcast of the non-voice data and the other non-voice data (col. 4, lines 15-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Angwin to include first and second internet protocols for the purpose of efficiently transporting multi-protocol internet data.

Regarding claim 2, Angwin discloses the data manager of claim 1, wherein the data manager is resident in the wireless device (col. 13, line 39 to col. 14, line 9).

Regarding claim 3, Angwin discloses the data manager of claim 1, wherein said controller switches from the first internet protocol to the at least one second internet protocol, or from the at least one second internet protocol to the first internet protocol, automatically according to the type of data differentiated by said data recognizer (col. 14, lines 38-45).

Regarding claim 4, Angwin discloses the data manager of claim 1, wherein said controller switches from the first internet protocol to the at least one second internet protocol, or from the at least one second internet protocol to the first internet protocol, in response to a command entered by a user of the wireless device, which command is entered according to the differentiation by said data recognizer (col. 13, lines 18-32).

Regarding claim 5, Angwin discloses the data manager of claim 3 or 4, wherein the switching occurs during a call on the wireless device (col. 6, lines 25-35).

Regarding claim 6, Angwin discloses the data manager of claim 3 or 4, wherein the switching occurs between at least two calls on the wireless device (col. 9, lines 22-30).

Art Unit: 2686

Regarding claim 8, Angwin discloses the data manager of claim 4, wherein the wireless device includes at least one key, and wherein the command is entered by the user pressing the at least one key on the wireless device (col. 6, lines 25-35).

Regarding claim 9, Angwin discloses the data manager of claim 1, wherein only voice data and other voice data (i.e., reads on ongoing control information) comprise a first call (col. 11, lines 10-25).

Regarding claim 10, Angwin discloses the data manager of claim 1, wherein said controller switches from the at least one second internet protocol to the first internet protocol automatically upon differentiation by said data recognizer of voice data (col. 8, lines 38-43).

Regarding claim 11, Angwin discloses the data manager of claim 1, wherein said controller switches from the at least one second internet protocol to the first internet protocol automatically upon differentiation by said data recognizer of other voice data (col. 8, lines 38-43).

Regarding claim 12, Angwin discloses the data manager of claim 1, wherein said controller switching to the first internet protocol includes said controller activating a voice coder, thereby allowing the sending of voice packets over the internet protocol connection (col. 9, lines 31-39).

Regarding claim 13, Angwin discloses the data manager of claim 1, wherein the first internet protocol substantially eliminates latency in the broadcast (col. 5, lines 17-27).

Art Unit: 2686

Regarding claim 16, Angwin discloses the data manager of claim 1, wherein an internet instruction is entered by a user, and wherein the internet instruction controls the internet protocol connection (col. 13, lines 10-32).

Regarding claim 17, Angwin discloses the data manager of claim 16, wherein the internet instruction is a control mechanism (col. 13, lines 10-32).

Regarding claim 19, Angwin discloses the data manager of claim 16, wherein the internet instruction is entered by the user at a remote internet terminal (col. 3, lines 37-45 and col. 13, lines 10-32).

Regarding claim 20, Angwin discloses the data manager of claim 16, wherein the internet instruction is entered by the user at the wireless device (col. 3, lines 37-45 and col. 13, lines 10-32).

Regarding claim 21, Angwin discloses the data manager of claim 1, wherein the broadcast occurs at a communication rate of up to 2 Mbits per second (col. 12, lines 20-42).

Regarding claim 22, Angwin discloses a wireless telephone, comprising: a handset; an internet interface resident on said handset; a wireless connection between said handset and an internet protocol connection, wherein said internet protocol connection passes voice data, other voice data, and non-voice data to said internet interface; a data manager resident on said handset, and communicatively connected to said internet interface, wherein said data manager comprises: a data receiver that receives the voice data over the internet protocol connection; a data sender that sends the other voice data over the internet protocol connection; a data recognizer that

Art Unit: 2686

differentiates the voice data and the other voice data from the non-voice data and non-data; and a controller that broadcasts the voice data and the other voice data in an internet voice protocol format during the internet protocol connection, according to the differentiation by the data recognizer (col 8, lines 38-43 and col. 14, lines 1-23).

Angwin fails to explicitly disclose a controller that controls the broadcast at said data receiver of the voice data and the non-voice data, and that controls the broadcast at the data sender of the other voice data and the other non-voice data, according to the differentiation by the data recognizer, wherein said controller switches the wireless device to a first internet protocol format for the broadcast of the voice data and the other voice data, and switches the wireless device to at least one second internet protocol format for the broadcast of the non-voice data and the other non-voice data.

In a similar field of endeavor, Westberg discloses a controller that controls the broadcast at said data receiver of the voice data and the non-voice data, and that controls the broadcast at the data sender of the other voice data and the other non-voice data, according to the differentiation by the data recognizer, wherein said controller switches the wireless device to a first internet protocol format for the broadcast of the voice data and the other voice data, and switches the wireless device to at least one second internet protocol format for the broadcast of the non-voice data and the other non-voice data (col. 4, lines 15-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Angwin to include first and second internet protocols for the purpose of efficiently transporting multi-protocol internet data.

Art Unit: 2686

Regarding claim 23, Angwin discloses the wireless telephone of claim 22, wherein said internet interface comprises a web browser (col. 3, lines 7-40).

Regarding claim 24, Angwin discloses the wireless telephone of claim 22, wherein said controller switches from the internet voice protocol format to at least one second internet protocol (i.e., reads on switches between fixed and wireless) upon differentiation of the non-voice data by said data recognizer (col. 8, lines 21-40).

Regarding claim 25, Angwin discloses the wireless telephone of claim 22, wherein said controller switches from the at least one second internet protocol to the internet voice protocol format upon differentiation of voice data or other voice data (i.e., reads on wireline to wireless) by said data recognizer (col. 8, lines 21-40).

Regarding claim 26, Angwin discloses the wireless telephone of claim 24 or 25, wherein said controller switches from the internet voice protocol format to the at least one second internet protocol, or from the at least one second internet protocol to the internet voice protocol format, in response to a command entered by a user of the wireless device, which command is entered to said handset (col. 13, lines 10-32).

Regarding claim 27, Angwin further discloses the wireless telephone of claim 24 or 25, wherein said controller switches from the internet voice protocol format to the at least one second internet protocol, or from the at least one second internet protocol to the internet voice protocol format, automatically upon differentiation by said data recognizer (col. 8, lines 21-40).

Regarding claim 28, Angwin discloses the wireless telephone of claim 22, wherein said internet interface receives an internet instruction from a user via said

Art Unit: 2686

handset, and wherein the internet instruction controls the internet protocol connection (col. 13, lines 10-32).

Regarding claim 29, Angwin discloses a wireless data communication system, comprising: an internet protocol communication network; and at least two devices (i.e., reads on two mobile devices), wherein at least one of said devices is a wireless device, wherein each device is connected to said internet protocol communication network, wherein each device communicates with at least one other of said devices over said internet protocol communication network, and wherein the communication is controlled by at least one data manager resident at and communicatively connected to each wireless device (col. 8, lines 20-45 and col. 13, lines 10-32).

Regarding claim 30, Angwin discloses the wireless data communication system of claim 29, wherein the data manager comprises: a data receiver that receives voice data over said internet protocol communication network; a data sender that sends the other voice data over said internet protocol communication network; a data recognizer that differentiates the voice data and the other voice data from non-voice data and non-data; and a controller that broadcasts the voice data and the other voice data in an internet voice protocol format over said internet protocol communication network, according to the differentiation by the data recognizer device (col. 8, lines 20-45 and col. 13, lines 10-32).

Regarding claim 31, Angwin discloses a data manager for a wireless device, wherein the wireless device sends and receives a plurality of broadcasts between the wireless device and at least one remote device over an internet protocol connection,

Art Unit: 2686

and wherein the data manager is communicatively connected to the wireless device, comprising: means for receiving voice data and non-voice data at the wireless device; means for sending other voice data and other non-voice data from the wireless device; means for differentiating the voice data from the non-voice data; means for differentiating (i.e., reads on IWF) the other voice data from the other non-voice data; and means for controlling the broadcast of the voice data and the non-voice data according to the differentiating of the voice data from the non-voice data, and for controlling the broadcast of the other voice data and the other non-voice data, according to the differentiating of the other voice data from the other non-voice data; (col. 8, lines 21-45 and col. 13, lines 10-32).

Angwin fails to explicitly disclose a controller that controls the broadcast at said data receiver of the voice data and the non-voice data, and that controls the broadcast at the data sender of the other voice data and the other non-voice data, according to the differentiation by the data recognizer, wherein said controller switches the wireless device to a first internet protocol format for the broadcast of the voice data and the other voice data, and switches the wireless device to at least one second internet protocol format for the broadcast of the non-voice data and the other non-voice data.

In a similar field of endeavor, Westberg discloses a controller that controls the broadcast at said data receiver of the voice data and the non-voice data, and that controls the broadcast at the data sender of the other voice data and the other non-voice data, according to the differentiation by the data recognizer, wherein said controller switches the wireless device to a first internet protocol format for the

Art Unit: 2686

broadcast of the voice data and the other voice data, and switches the wireless device to at least one second internet protocol format for the broadcast of the non-voice data and the other non-voice data (col. 4, lines 15-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Angwin to include first and second internet protocols for the purpose of efficiently transporting multi-protocol internet data.

Regarding claim 32, Angwin discloses a method of managing data in a wireless device, wherein the wireless device sends and receives a plurality of broadcasts between the wireless device and at least one remote device over an internet protocol connection, comprising the steps of: receiving voice data and non-voice data at the wireless device; sending other voice data and other non-voice data from the wireless device; differentiating the voice data from the non-voice data; differentiating the other voice data from the other non-voice data; and controlling the broadcast of the voice data and the non-voice data according to said differentiating the voice data from the non-voice data, and the broadcast of the other voice data and the other non-voice data according to said differentiating the other voice data from the other non-voice data (col. 8, lines 20-45 and col. 13, lines 10-32).

Angwin fails to explicitly disclose a controller that controls the broadcast at said data receiver of the voice data and the non-voice data, and that controls the broadcast at the data sender of the other voice data and the other non-voice data, according to the differentiation by the data recognizer, wherein said controller switches the wireless device to a first internet protocol format for the broadcast of the voice data and the other

Art Unit: 2686

voice data, and switches the wireless device to at least one second internet protocol format for the broadcast of the non-voice data and the other non-voice data.

In a similar field of endeavor, Westberg discloses a controller that controls the broadcast at said data receiver of the voice data and the non-voice data, and that controls the broadcast at the data sender of the other voice data and the other non-voice data, according to the differentiation by the data recognizer, wherein said controller switches the wireless device to a first internet protocol format for the broadcast of the voice data and the other voice data, and switches the wireless device to at least one second internet protocol format for the broadcast of the non-voice data and the other non-voice data (col. 4, lines 15-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Angwin to include first and second internet protocols for the purpose of efficiently transporting multi-protocol internet data.

Regarding claim 33, Angwin discloses the method of claim 32, wherein the switching by said controlling comprises responding to an entering by a user of the wireless device of a command (col. 13, lines 10-32).

Regarding claim 35, Angwin discloses the method of claim 33, wherein the entering of the command comprises the user pressing a key on the wireless device (col. 3, line 37 to col. 4, line 3).

Regarding claim 36, Angwin discloses the method of claim 32, wherein the switching by said controlling comprises automatically switching by the wireless device upon differentiating of the voice data or the other voice data (col. 8, lines 35-43).

Art Unit: 2686

Regarding claim 37, Angwin discloses the method of claim 32, further comprising broadcasting the voice data (col. 7, lines 21-36).

Regarding claim 38, Angwin discloses the method of claim 32, further comprising broadcasting the other voice data (e.g., synthesized voice data) (col. 4, lines 29-38 and col. 7, lines 21-36).

Regarding claim 39, Angwin discloses the method of claim 37 or 38, wherein said broadcasting comprises activating a voice coder, thereby allowing the sending of voice packets over the internet protocol connection (col. 10, lines 26-43).

Regarding claim 40, Angwin discloses the method of claim 32, further comprising broadcasting the non-voice data (col. 10, lines 34-43).

Regarding claim 41, Angwin discloses the method of claim 32, further comprising broadcasting the other non-voice data (col. 10, lines 34-43).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin and Westberg, in view of Brachman et al. (Brachman), U.S. Patent No. 6,704,576.

Art Unit: 2686

Regarding claims 7 and 34, Angwin as modified by Westberg discloses the data manager of claims 4 and 33, but fails to explicitly disclose wherein the command is entered by the user speaking aloud.

In a similar field of endeavor, Brachman provides evidence of an IVR server which allows a user to access content or effectuate transactions by transmitting tones or speech over the network (col. 4, lines 6-26).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Angwin to include voice command for the purpose of providing an easier way of sending a command as is known in the art.

Allowable Subject Matter

6. Claims 14, 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art of record fails to explicitly disclose the data manager of claim 1, wherein the wireless device has at least two feature sets that use the first internet protocol and wherein the at least two feature sets are selected from the group consisting of multipoint conferencing, virtual CB, interactive gaming, and a virtual community.

Art Unit: 2686

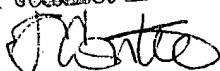
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOY K. CONTEE
PATENT EXAMINER


Joy Contee

November 14, 2004